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Security Council

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Report of the Secretary-General submitted pursuant to resolution 1456 (2003)

I. Introduction

1. The present report is submitted pursuant to paragraph 12 of the declaration on the issue of combating terrorism, annexed to resolution 1456 (2003) of 20 January 2003, in which the Security Council

> "*Invites* the Secretary-General to present a report within 28 days summarizing any proposals made during its ministerial meeting and any commentary or response to these proposals by any Security Council member".

2. The present report contains a summary of the proposals made by members of the Security Council at its 4688th meeting, held on 20 January 2003.

3. By a note verbale dated 31 January 2003, members of the Security Council were invited to forward to the Secretariat, in accordance with resolution 1456 (2003), commentaries on or responses to the proposals made at the ministerial meeting. At the time of the submission of the present report, two replies had been received, one of which is reproduced in paragraph 5 below. The other reply indicated the member's intention to submit a response as soon as possible. Further submissions received from members of the Security Council following the issuance of the present report will be published as an addendum.

II. Summary of proposals

4. As reflected in the provisional verbatim record of the 4688th meeting of the Security Council, held on 20 January 2003 (S/PV.4688), members of the Council made comments, suggestions and proposals in the following areas: international instruments; international cooperation; role of the international, regional and subregional organizations; assistance; and the Security Council Committee established pursuant to resolution 1373 (2001) (hereinafter referred to as the Counter-Terrorism Committee).

International instruments

- Some Security Council members called on Member States that have not yet done so to become party to conventions and protocols negotiated under the auspices of the United Nations related to counter-terrorism.

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- They encouraged Member States to cooperate in resolving all outstanding issues with a view to adopting the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism.

- Some members emphasized that the fight against terrorism must respect international law, including human rights law. Reiterating that terrorism was a gross violation of human rights and freedoms, including the fundamental right to life, one member emphasized the need to establish the human right to protection from terrorism, and reiterated its initiative to develop, under the auspices of the United Nations, a code to protect human rights against terrorism.

- One member, expressing its intention to prevent terrorist groups from using radioactive sources around the world to make "dirty bombs", noted that it would make concrete proposals in that regard, particularly with a view to formulating an international convention strengthening controls over the use and transfer of such radioactive sources.

- Some members referred to the risk of terrorists gaining access to weapons of mass destruction and called for the strengthening of international agreements on arms control, disarmament and non-proliferation.

- Some members emphasized the need for the international community to endeavour collectively to promote greater cultural and religious harmony and dialogue, noting that terrorism had no creed, culture or religion. To this end, reference was made to the proposal for the adoption by the General Assembly of a declaration on religious and cultural understanding, harmony and cooperation.

International cooperation

- One member proposed the convening of a special session of the General Assembly to adopt new measures in the fight against terrorism.

- Several members proposed that an international conference be convened under the auspices of the United Nations to define terrorism and to determine the common response of the international community to terrorism in all its forms and manifestations.

- One member reiterated its call for an international conference to make the Middle East a zone free of weapons of mass destruction.

International, regional and subregional organizations

- Members welcomed the initiative of the Counter-Terrorism Committee to hold a special meeting on 7 March 2003 with representatives of international and regional organizations.

- In that connection, the continued support of these organizations, through the provision of technical assistance to States, would be crucial for strengthening national capacities.

- One member proposed the establishment of an inter-agency coordination segment that would cover specific sectoral actions and programmes. The same

member proposed that coordination be enhanced among the various subsidiary bodies of the Security Council entrusted with the fight against terrorism.

Assistance

- Several members encouraged Member States having the necessary expertise to help those lacking the requisite skills and resources to implement Security Council resolution 1373 (2001) and to take other measures against terrorism.
- One member proposed that the Counter-Terrorism Committee's expert advisers elaborate a programme of work that included operational measures that took into account the differing realities of regions and countries, with a view to channelling needed technical assistance in order to ensure the effective implementation of resolution 1373 (2001).
- Another member proposed that the Security Council consider establishing within the United Nations a cooperation and assistance fund that would have its own resources and would work closely with the international financial institutions.

Counter-Terrorism Committee

- One member held that the Counter-Terrorism Committee should not only assist Member States in improving their anti-terrorist laws, but should also examine how those laws were being applied.
- Another member stated that the Committee should also propose legal and political measures in the areas of preventing and suppressing the financing of terrorism; identifying and proposing instruments for the exchange of information and early warning systems that could prevent attacks; making recommendations for effective border control; the issuance and control of identification and travel documents; the adoption of measures for administrative and legal cooperation and against the active or passive support of terrorism and the provision of refuge to terrorists; and, particularly, preventing access by terrorist groups to weapons of mass destruction.
- Other members called for greater attention to be paid to the links between international terrorism and international organized crime, drug trafficking, money-laundering and the illegal trade in weapons. One member noted the need to consider adjusting the Counter-Terrorism Committee's mandate in that regard.

III. Responses from Security Council members

5. One member, the Russian Federation, forwarded the following submission with a letter dated 12 February 2003.

Memorandum from the Russian Federation submitted in accordance with paragraph 12 of Security Council resolution 1456 (2003) on the issue of combating international terrorism

[Original: Russian]

The Russian Federation entrusts to the United Nations the successful collective counteracting of new challenges and threats, primarily international terrorism. The United Nations and the Security Council are ideally placed to coordinate the counter-terrorism activities of States. The politically highly significant outcome of the high-level meeting of the Security Council on combating terrorism held on 20 January 2003 in New York has increased the recognition that the central role in combating this global danger belongs to the United Nations.

The binding decisions taken by the Security Council in the wake of recent terrorist attacks in a number of countries, including the Russian Federation, have sought to dynamize and improve multilateral cooperation in counter-terrorism under United Nations auspices. Those decisions, particularly Security Council resolution 1373 (2001), must be implemented by all States without exception, in full and unconditionally.

Lack of a national legislative or executive structure suited to combating terrorism must not be used by any State as an excuse for inaction or dangerous passivity in that area. States' obligations under the Charter of the United Nations, including the obligation to implement Security Council decisions, are a priority, and have primacy over domestic legislation.

The Russian Federation considers it a priority to further strengthen the international legal foundation of counter-terrorism, first and foremost by giving existing counter-terrorism conventions a universal character through the accession of all States Members of the United Nations to them.

Political and ideological disagreements must be overcome, and the work being conducted in the General Assembly on the draft comprehensive convention against international terrorism and the draft international convention for the suppression of nuclear terrorism must be brought to a rapid conclusion. The latter document is especially topical in the light of the efforts of terrorists to obtain access to weapons of mass destruction. The obvious differences of view on these matters are not irreconcilable. What is required is far-sightedness and political will. The gaps in international counter-terrorism legislation are impairing the efforts of States to eliminate the terrorist threat, including efforts within their borders. We are counting on a responsible attitude on the part of all States, and on the authoritative participation of the United Nations Secretary-General in concluding the work on both draft conventions.

Neutralizing the threat of terrorism requires a comprehensive approach that rejects unilateralism and scrupulously adheres to international law. This applies especially to the use of force. Counter-terrorism efforts must not involve double standards and unilateral steps to use force, which could damage the cohesion of the coalition against terrorism and destabilize the regional and world situation.

We attach great importance to the work of the Security Council Counter-Terrorism Committee, and that work must retain its positive momentum. The Committee should not only work with States to improve their counter-terrorism

legislation but also monitor the implementation of that legislation in the light of current requirements. Terrorists and their accomplices must not be allowed to exploit loopholes in existing law and thus escape responsibility for their actions. Where necessary, the Committee should alert the Security Council to shortcomings in the operation of national counter-terrorism machinery so that steps can be taken to correct the situation.

The coordination mechanism set up by the Committee to provide advice and technical assistance to States that so require to ensure comprehensive application of the counter-terrorism measures covered by resolution 1373 (2001) has an important role to play in practical implementation.

The Russian Federation has submitted to the Committee specific proposals regarding the forms of technical assistance it is prepared to extend to third countries to improve their counter-terrorism potential. We call on other States that have the necessary resources to join us in making practical contributions to efforts in that field.

Cooperation between the Committee and international and regional organizations should be stepped up, with the primary aims of expanding the international legal foundation of counter-terrorism, improving the exchange of information and achieving complementarity and coordination in implementing Security Council resolution 1373 (2001). The Russian Federation is actively working to support the efforts of the Committee in that direction by means that include the establishment of working links between the Committee and the counter-terrorism structures of the Commonwealth of Independent States and the Shanghai Cooperation Organization. The Committee's meeting with regional and subregional organizations, scheduled for 7 March 2003, will be an important milestone in that effort.

Conducting and supporting regular exchanges of information between the Committee and the Security Council Committee on sanctions against the Taliban, al-Qa'idah and individuals and organizations associated with them, established by Security Council resolutions 1267 (1999), 1333 (2000) and 1390 (2002), is of timely importance. Such cooperation is also useful in connection with implementing Security Council resolution 1373 (2001) on counter-terrorism. Another related issue is the widening of the mandate of the Monitoring Group established under Security Council resolution 1455 (2003).

The intensification of the international community's counter-terrorism efforts raises a panoply of issues associated with protecting human rights in a new environment. In addressing human rights questions in the context of counter-terrorism, it is vital to act in accordance with generally recognized international legal norms and the protection of human rights, especially the right to life, against terrorist acts.

This approach formed the basis for the Russian initiative put forward during the fifty-seventh session of the General Assembly concerning the development of an effective instrument for protecting human rights against terrorism. We call on the States Members of the United Nations, within the framework of the fifty-ninth session of the Commission on Human Rights, to continue active negotiation of a draft code, taking account of the key elements for such an instrument circulated by the Russian Federation, as well as the provisions of the General Assembly resolution

on human rights and terrorism adopted at its fifty-seventh session. In that context, priority should be accorded to strengthening the universal principle of recognizing and securing the right of every individual everywhere, irrespective of nationality, to protection from terrorism.

The success of counter-terrorism measures is largely dependent on effective coordination of the international community's efforts to suppress the various forms of support for terrorism, especially its financing. In this context, it is especially imperative for all States to fully implement the 1999 International Convention for the Suppression of the Financing of Terrorism, ratified by the Russian Federation in 2002, as well as relevant Security Council resolutions.

Taking into account the global nature of the threat from the increasing volume of illicit narcotic drug trafficking from Afghanistan and its direct link with support for international terrorism, efforts to mobilize a response from the international community must be strengthened, drawing on the potential of the United Nations. The Russian Federation favours an intensification of cooperation with United Nations counter-terrorism mechanisms, including by exploring new opportunities now that the Russian Federation has become a donor to the United Nations International Drug Control Programme.

A range of measures need to be undertaken to counter the narcotics threat from Afghanistan, including by providing for additional initiatives to create and strengthen anti-narcotics "safety zones" around that country, especially on the Tajik-Afghan and Russian-Kazakh borders.

Given the linkages between international terrorism and transnational organized crime, regional conflicts, poverty and unsustainable development, these threats can be countered only with a comprehensive and coherent response, with the United Nations playing a leading role.

The adoption by consensus of General Assembly resolution 57/145 ("Responding to global threats and challenges") of 16 December 2002, initiated by the Russian Federation, reaffirms the international community's recognition of the need to adopt a comprehensive approach to the issue. Counter-terrorism measures adopted by the international community at the national and regional levels in accordance with relevant United Nations initiatives will lay the foundations of a global system for countering new challenges and threats under United Nations auspices.

We proceed from the fact that States Members of the United Nations are actively and keenly participating in the implementation of General Assembly resolution 57/145, submitting their proposals on the creation of such a global system to the Secretary-General. The Russian Federation is also making its own contribution to this effort.

The Secretary-General's summary of contributions of States and proposals from United Nations bodies and institutions in implementation of General Assembly resolution 57/145 will have particular significance for his report to the General Assembly at its fifty-eighth session. Discussion of the issue by the General Assembly is expected to provide significant additional impetus to the establishment of an effective global system for countering new threats and challenges, in the interests of all members of the international community.